

CONFIDENTIAL
WEEKLY HOT TOPICS REPORT for RA/DRA Region 8
Week ending August 3, 2018

OFFICE OF ECOSYSTEMS PROTECTION AND REMEDIATION

No report

OFFICE OF ENFORCEMENT, COMPLIANCE & ENVIRONMENTAL JUSTICE

HOT ISSUES AND IMPORTANT DEADLINES:

SDWA Enforcement Issued an Emergency Administrative Order to Fairview Water and Sewer District Water System in Fairview, Wyoming, Lincoln County

Key Message: On July 31, 2018, EPA issued a 1431 Order in response to a potential imminent and substantial endangerment at the Fairview Water and Sewer District Water System located in Fairview, Wyoming.

- On July 30, 2018, EPA was made aware of a pump failure. The system was without water.
- The system proactively posted a boil advisory.
- The system is in the process of repairing or replacing the pump.
- Loss of pressure in a drinking water distribution system may cause backsiphonage, which can allow disease causing organisms to enter the distribution system.
- The order requires the system to, among other things, provide an alternative source of water and continue the posting of the boil water advisory; identify the cause of the pump failure/repair the pump; disinfect and flush the system after making repairs; and the boil advisory must remain in effect until notified in writing by EPA.
- The system has approximately 80 service connections used by year-round residents and regularly serves an average of approximately 230 year-round residents.
- EPA has consulted with Wyoming DEQ, Wyoming Department of Agriculture and Department of Health (includes the State Epidemiologist).
- Technical Contact: Kathelene Brainich, 312-6481; Management Contact: Tiffany Cantor, 312-6521

SDWA Enforcement Issued an Emergency Administrative Order to the Ethete Water System on the Wind River Reservation in Wyoming

Key Message: On July 31, 2018, EPA issued a 1431 Order in response to a potential imminent and substantial endangerment at Wind River Water System located on the Wind River Reservation in Wyoming.

- On July 30, 2018, an individual with Wyoming Homeland Security notified the Wyoming State Epidemiologist the System was out of water due to a line break. The Wyoming State Epidemiologist contacted the EPA. The EPA phoned the Director of the water system and was informed only part of the system lost pressure on July 29, 2018 due to a water line break. The line was subsequently repaired, the System disinfected and flushed.
- Loss of pressure in a drinking water distribution system may cause backsiphonage, which can allow disease causing organisms to enter the distribution system.
- EPA consulted with Chairman Brown, members of the Northern Arapaho Business Council and other Tribal representatives to reiterate the requirements of the Emergency Administrative Order: to provide an alternative source of water and maintain the boil water advisory; ensure the system

is properly disinfected and flushed after repairs were made to the system; collect “special” samples; and the boil advisory must remain in effect until notified by EPA.

- The system serves 1800 year-round residents.
- The systems have issued a public notice (boil water advisory) and are in the process of performing corrective actions required in the EAO.
- Technical Contact: Jill Minter, 312-6079; Management Contact: Tiffany Cantor, 312-6521

SDWA Enforcement is Conducting Inspections to Determine Compliance with National Primary Drinking Water Regulations (NPDWRs) at Three Public Water Systems owned and operated by the Arapaho Tribe of the Wind River Reservation

Key Message: SDWA Enforcement staff will be traveling to the Wind River Reservation in Wyoming the week of July 30. The Ethete, Arapahoe Community and Arapahoe Industrial Park public water systems are in violation of multiple NPDWRs including chemical monitoring requirements and failing to correct significant deficiencies at the Systems.

- On August 9, 2017, EPA issued an Information Letter to the Northern Arapahoe Tribe to inform the tribal government of violations of the NPDWRs at the three Systems.
- The systems failed to monitor for chemicals in 2017, failed to collect nitrate samples in 2013, and failed to correct significant deficiencies in 2016.
- The systems are classified as follows:
 - Ethete is a community water system serving approximately 1,950 individuals.
 - Arapahoe Community is a community water system serving approximately 3,100 individuals.
 - Arapahoe Industrial Park is a community water system serving approximately 650 individuals.
- Technical Contact: Olive Hofstader, 312-6467; Management Contact: Tiffany Cantor, 312-6521

RCRA Enforcement Closes Out Consent Order with J.R. Simplot Company for Site Characterization of Potential Onsite Contamination

Key Message: On July 19, 2018, EPA Region 8 sent a letter to the J.R. Simplot Company (Simplot) closing out an Administrative Order on Consent (AOC) issued under Section 3013 of the Resource Conservation and Recovery Act.

- In entering into the AOC, Simplot agreed to implement sampling, analysis, monitoring, and reporting to characterize potential soils, sediment and surface/groundwater contamination at its phosphoric acid facility located in Rock Springs, Wyoming.

Deliberative Process / Ex. 5

- The Simplot facility is being addressed as part of EPA’s national mineral processing initiative. The site characterization work under the AOC proceeded in advance of resolution of broader requirements in a multi-media Consent Decree addressing the facility’s waste disposal. The State of Wyoming continues to be kept apprised and consulted throughout the enforcement process.
- Contact: Linda Jacobson, 312-6503; Legal Contact: Max Greenblum, 312-6108

Clean Air Enforcement Reached an Administrative Settlement with Basin Electric Power Cooperative for Violations of New Source Review (NSR) Requirements

Key Message: Basin Electric has agreed to an administrative settlement to resolve violations of NSR requirements at the Laramie River Station located in Wheatland, Wyoming.

- Based on the information Basin provided in response to a February 2013 information request, the EPA concluded that Basin's replacement of the secondary superheater intermediate and outlet bank at Unit 3 in April/May of 2011 was a major modification triggering NSR Prevention of Significant Deterioration (PSD) requirements.
- The settlement requires Basin Electric to reduce the annual emission rate at the Laramie River Station to 0.14 lb/MMBtu of sulfur dioxide from the currently permitted rate of 0.20 lb/MMBtu.
- Basin Electric has agreed to pay a civil penalty of \$200,000.
- The administrative consent agreement was signed by the Regional Judicial Officer on July 31, 2018.
- Contact: Scott Patefield, 312-6248; Legal Contact: Jess Portmess, 312-7026

NPDES Enforcement Plans to Send Warning Letters to Five Schools and One Housing Authority with Wastewater Lagoons on the Pine Ridge Reservation

Key Message: NPDES Enforcement plans to send warning letters to five schools and one housing authority on the Pine Ridge Reservation that have not responded to inspection report findings.

- In April 2018, NPDES Enforcement conducted inspections on the Pine Ridge Reservation.
- Inspection reports were sent to the facilities with inspection findings, namely, Rocky Ford School, Wolf Creek School, Oglala Lakota College, Loneman School, Crazy Horse School and Lakota Fund Housing. A response to the findings was requested within 30 days of receipt of the report.

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- **Deliberative Process / Ex. 5**
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- Technical Contacts: Laurel Dygowski 312-6144; Management Contact: Stephanie DeJong 312-6362

OFFICE OF PARTNERSHIPS AND REGULATORY ASSISTANCE

This Week

CONFIDENTIAL - 1-Year Extension of the Attainment Date for the Denver Metro/North Front Range (DMNFR) 2008 Ozone Moderate Nonattainment Area

Key Messages: The EPA received a letter dated June 4, 2018, from the Colorado Department of Public Health and Environment (CDPHE) requesting an extension for the DMNFR ozone Moderate nonattainment area (NAA) attainment date. If the EPA approves the request, the extension will allow Colorado extra time to achieve the 2008 ozone standard as the applicable statutory attainment date would be moved from July 20, 2018, to July 20, 2019.

DMNFR Moderate NAA:

- On March 12, 2008, the EPA issued a final action to revise the NAAQS for ozone to establish a new 8-hour standard. The standard requires that the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration may not exceed 0.075 ppm.

- Effective July 20, 2012, the EPA designated the DMNFR as nonattainment and classified the area as Marginal for the 2008 ozone NAAQS. Effective June 3, 2016, the DMNFR was reclassified to a Moderate NAA for failing to attain the NAAQS by the July 20, 2015 Marginal NAA attainment date. The Moderate NAA attainment date was July 20, 2018.
- Colorado submitted its 2008 ozone Moderate area attainment SIP on May 31, 2017. The EPA's final rule approving the attainment demonstration was signed on June 20, 2018.

Deliberative Process / Ex. 5

- Contacts: Scott Jackson, 312-6107; Abby Fulton, 312-6563

CONFIDENTIAL – Suncor Energy Refinery Title V Petition Response

Key Messages: The EPA received a Petition dated April 17, 2018, from the Colorado Latino Forum, Colorado's People's Alliance, Cross Community Coalition, Elyria and Swansea Neighborhood Association, the Sierra Club, and Western Resource Advocates (the Petitioners), pursuant to section 505(b)(2) of the Clean Air Act (CAA). The Petition requests that the EPA Administrator object to a proposed modified title V operating permit issued by the Colorado Air Pollution Control Division (APCD) to Suncor Energy for the Commerce City Refinery Plants 1 and 3 in Adams County, Colorado.

- ~~Suncor requested a modification of its title V permit to include a limit for hydrogen cyanide.~~

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

- Contacts: Gail Fallon, 312-6281 (Air Program); Jonathan Skinner-Thompson, 312-6853 (URC)

OFFICE OF TECHNICAL AND MANAGEMENT SERVICES

No report

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